is vastly different because, although the charge for the portion of the call carried to the CMRS carrier may be rated to a local rate center, the ultimate geographic destination of the call is unrelated to the called number's rate center. Thus, it is not possible to predict with certainty the effect of CPP Charges on consumer acceptance of CMRS generally. However, the evidence available from European operations strongly suggests that CPP will, over time, increase both the acceptance of CMRS services and the average usage by CMRS customers.

D. Consumer Protection Issues (Notice of Inquiry, ¶ 20-22)

Omnipoint strongly urges the Commission to develop a uniform national method to inform Calling Parties that they will incur a CMRS Charge in connection with their CPP calls. It may be desirable to establish a transition period during which CPP Calling Parties will be informed of their responsibility to pay for CPP calls and the amount of the charge. As soon as CMRS CPP service is moved to unique NPAs, there is no need for a special announcement. For example, wireline telephone customers are well aware that dialing a different NPA may subject them to a charge for service above and beyond the normal cost for a local call.³⁷

(Footnote continued from previous page)

associated with forwarding a roaming call would be borne by the CMRS customer, as it is with existing cellular and PCS roaming services today. The CPP charge would be based upon the price for a call for the CMRS customer being in the home service area.

Omnipoint is not aware of any European GSM cellular system that has not been given its own unique NPA-equivalent, commonly referred to as a "city code." The assignment of a unique NPA-equivalent is key both to generate proper billing—since the unit duration is based upon a city code table—and to alert the calling party that the call will incur a different price than a local call. Of course, since most European countries only have a few wireless service providers, code exhaustion is less of an issue than in the United States. Here, Omnipoint suggests an NPA assignment only to large scope carriers, with others sharing NXX assignments in mobile-only NPAs.

During the time that CPP service is provided over normal NPA/NXX codes, CPP Calling Parties should be made aware that they will be charged a fee for placing a call to a CMRS phone number. Currently, in many situations, such as with calls made from pay phones or hotels, the caller is unaware of the amount of the impending charges in connection with the call. Customer dissatisfaction can be avoided in CMRS CPP by informing the calling party of the price of the call.

There are several mechanisms that can be employed to inform Calling Parties of the fact that there will be CMRS Charges associated with their CPP call. In the long term, as indicated earlier, Omnipoint believes that allocating a separate Numbering Plan Area code ("NPA") to each large scale CMRS carrier for use exclusively in connection with that carrier's CPP service option best makes Calling Parties aware of when they are placing a CPP call. While CPP service is provided over normal NPA/NXX numbers, and for six months after CPP-only NPAs are implemented, additional notice may be appropriate.

With an appropriate and coordinated public awareness effort by the Commission, CMRS providers and others, such CPP NPAs could be implemented within a few months. As an alternative to allocating separate NPAs to each large scale CMRS CMRS carrier offering CPP, a single NPA could be allocated to a group of CMRS service providers for CPP service options only in certain large geographical areas so as not to cause issues of NPA exhaust. In such a case, however, it may be appropriate to allocate separate NPAs for each type of CMRS service—separate NPAs for cellular, paging and PCS—to further inform Calling Parties of the category of service for which they will be incurring CMRS Charges

There are other options available for informing Calling Parties that there will be CPP Charges, including preceding every CPP call by a unique tone, or preceding every CPP call by an announcement informing each every Calling Party of the exact nature of the CPP call. Any announcement requirement, however, should have no more than the following limited elements:

- CMRS providers should be required to include, at most, the CMRS charges associated with the CPP call.
- After notification of the CPP Charges, Calling Parties should have the
 opportunity to terminate the CPP call without incurring any CPP charges or
 local or long distance fees. This would require that the Commission mandate
 that LECs and IXCs not charge for CPP calls until the CPP call goes through
 the stages of Calling Party notification, billing verification, and call
 connection to the CMRS Called Party.
- Omnipoint does not recommend that the Commission require the Calling Parties to take an affirmative action, e.g. a touch-tone keystroke, to acknowledge acceptance of CPP billing. Such a measure would remove most of the benefit in CPP because it would stigmatize the service as something out-of-the-norm. After all, telephone customers do not explicitly acknowledge the fact that a long distance call will incur toll charge.

The Commission should be mindful, however, of the extent any notification alternative will have on the ability of CPP to offer a competitive, transparent alternative to LEC local exchange service. If tones or announcements isolate and stigmatize CPP service as being different, or if Calling Parties are forced to wade through inconvenient announcements and selection dialing patterns to reach CPP customers, the Commission's objective to enhance competition in the LEC exchange market will be seriously compromised.

E. <u>Technical Issues</u> (Notice of Inquiry, ¶ 23-25)

Many carriers, including CMRS operators have the capability to place the Calling Party notifications, as described above, on all CPP calls. The additional use of dedicated area codes would ensure that the message is properly received by calling parties and

could quickly eliminate the need for special notifications, altogether. The LIDB dip would eliminate the problem of hotels, hospitals, CMRS, and pay phones being billed for un-collectable calls. The LECs currently sell LIDB query service to other carriers. If the caller doesn't have a billable phone number, a calling card, or a credit call, then the call simply cannot be processed. This same LIDB access should be available, on an unbundled basis, to CMRS operators.

CPP and roaming calls will require some additional technical consideration. As discussed at note 34 above, the most sensible cost-causer approach would be to bill the Calling Party for the CPP CMRS Charge that would apply if the Called Party were in its home area, and then assess the roaming CMRS customer for the appropriate roaming charges. For example, Omnipoint currently has roaming arrangements with nearly a dozen domestic networks and over twenty countries. By contrast, it would seem to be less reasonable to bill the calling party for the cost of domestic or international long distance to reach the roaming calling party. This approach would also mimic the landline case where the called party invokes call forwarding to a distant domestic or international point: the calling party pays to reach the called party's initial location and the called party is responsible for forwarding charges.

III. Conclusion

CPP is an essential <u>option</u> for wireless customers that can greatly improve competitive pricing for all telephone consumers. Omnipoint is not suggesting that all

With the GSM technology used by Omnipoint, international roamers transfer their "Subscriber Identity Module" or SIM between a US-compatible phone and one compatible with international standards. Since the SIM contains the "personalization" information for the customer, installing a SIM in a different phone allows the phone number to automatically be assigned to the new phone and for roaming calls to reach the customer.

customers use CPP or that only CPP be available. Omnipoint's GSM technology allows

more than one phone number to be associated with a wireless phone, so Omnipoint's

customers could have a CPP number on a CPP area code and a 'grandmother' number on

another area code. (Other technologies support multiple numbers as well.) Certain

customers may wish to have only a traditional charged number, such as salesmen that

wish to impose no barrier between themselves and customers. However, without prompt

intervention by the Commission along the lines outlined in these Comments, no CMRS

customer will have the opportunity to opt for a CPP number.

The time has come for the Commission to give CMRS customers the option

available in dozens of other countries—national calling party pays access to CMRS

service. To make CPP a reality, the Commission should adopt rules mandating functional

CPP billing and collection service by LECs; the Commission should also make available

dedicated NPAs for CPP CMRS service.

These steps would impose no meaningful burden upon the LECs, that today offer

similar billing and collection services to IXCs. Moreover, the costs associated with

CMRS CPP will be fully recovered by the LECs; no element of charity is involved in

Omnipoint's request.

Respectfully submitted,

OMNIPOINT COMMUNICATIONS, INC.

Mark J. O'Connor

Piper & Marbury L.L.P.

1200 19th Street, N.W., 7th Floor

Washington, D.C. 20036

(202) 861-3900

Its Attorney

Date: December 16, 1997